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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/729,882 | 12/05/2000 | Jean-Charles J.C. Cotteverte | Cotteverte 2-1-1-1 | 6768 |
| 22928 | 7590 03/20/2003 | | | |
| CORNING INCORPORATED | | | EXAMINER | |
| | SP-TI-3-1 CORNING, NY 14831 | | KUNEMUND, ROBERT M | |
| | | • | ART UNIT | PAPER NUMBER |
| | | | 1765 | |

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

| Application No. 09/729,882 COTTEVERTE ET AL. Examiner Robert M Kunemund 1765 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of lime may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication appears on the cover sheet with the correspondence address Period for Period of the communication appears on the cover sheet with the correspondence address Period for Period of the communication of the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication of this communication of the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or edended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any seamed patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 26 December 2002 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-25 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. | | _ | | | | | |
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The Rejections

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 to 25 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amendment to the claims of "without eroding" is not supported by the originally filed specification. There is no direct antecedent basis in the specification for this negative limitation, note <u>Ex parte</u> Grassilli et al. 231 USPQ 393.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 to 25 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bates et al.

The Bates et al reference teaches a conductively enclosed hybrid assembly. A substrate of silicon is provided (col. 4 lines 38-42). Recesses are created in the substrate. A preferred etches for creating the recesses in the silicon substrate is plasma etch. The etch is patterned by a mask of metal such as Cr, TiW, Ti, or Al. A first step in mask formation is the sputtering of an unpatterned metal of the plasma resistant metal covering the upper surface of the substrate (col. 5 lines 15-21). This reads of the first masking step. The metal layer is then patterned. The metal layer is covered with a photoresist, which is exposed to an optical pattern defining the recesses. The claimed second masking step. The region of the metal layer from which photoresist has been removed are then exposed to an acid etch to create openings in the metal mask (col. 5, lines 29-34). A solvent may remove the photoresist. The recesses support individual MMIC chips. The use of a silicon substrate has the further advantage of permitting efficient optical interconnection with optical circuits within the package while maintaining a hermetic seal col13, lines 15-20. The Bates et al reference does not

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teach that an optical device is formed in the first and second region of the substrate. However, the Bates et al reference teaches that MMIC chips are formed in the recesses in the substrate. MMIC chips are optical devices, thus it would have been obvious to one of ordinary skill in the art that Bates et al inherently teaches optical devices are formed in the substrate.

Response to Applicants' Response

Applicant's arguments filed December 26, 2002 have been fully considered but they are not persuasive.

Applicants' argument concerning the Bates et al reference is noted. However, the reference merely teaches that the photoresist may be removed prior to etching by another process, which is not the etching process. There is no statement in the reference that the masks are worn down by the etching process set forth in the Bates et al reference. _ Also, since the masks are the same as claimed as is the etching process, the masks will perform in the same manner as is claimed.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M Kunemund whose telephone number is 703-308-1091. The examiner can normally be reached on 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ben Utech can be reached on 703-308-3636. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3599 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

RMK March 18, 2003 PRIMARY